

Nos. 13-17102, 13-17154

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FACEBOOK, INC.,

Plaintiff-Appellee,

v.

POWER VENTURES, INC.

&

STEVEN SURAJ VACHANI,

Defendants-Appellants.

On Appeal From the United States District Court
for the Northern District of California
Case No. 5:08-cv-05780-LHK
Honorable Lucy Koh, District Court Judge

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR PANEL REHEARING
AND REHEARING EN BANC**

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Counsel for Defendant-Appellant
POWER VENTURES, INC.

STEVEN VACHANI
2425B CHANNING, #216
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Pro se Appellant

Defendants-appellants Power Ventures, Inc. and Steven Suraj Vachani hereby move for a 14-day extension of time, from the present deadline of July 26, 2016, up to and including August 9, 2016, to file a petition for panel rehearing and/or petition for rehearing en banc in the above-captioned matter.

In support of this motion, Amy Sommer Anderson declares under penalty of perjury as follows:

1. I am counsel of record for defendant-appellant Power Ventures, Inc.
2. On July 12, 2016, a three-judge panel of this Court issued a published decision affirming in part and reversing and vacating in part the district court's summary judgment in favor of plaintiff-appellee Facebook, Inc., on its claims against Power Ventures and Vachani. Pursuant to Federal Rules of Appellate Procedure 35(c) and 40, any petition for rehearing must be filed 14 days after entry of judgment, which is July 26, 2016.
3. The panel's decision creates significant uncertainty about the scope and interpretation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030.
4. Due to the questions of exceptional importance raised by the panel decision, Power Ventures has retained additional counsel to assist with a petition for panel rehearing and/or petition for rehearing en banc. They are Marcia Hofmann of Zeitgeist Law PC, who made her appearance today, and Orin S. Kerr, whose appearance is shortly forthcoming.

5. Newly retained counsel are devoting a substantial amount of time to familiarizing themselves with the record and briefing to date and will need the requested extension to properly prepare the rehearing petition.

6. We have exercised diligence in this matter and will file the petition for rehearing on the requested date should this motion be granted.

7. We have contacted Eric A. Shumsky, counsel for Facebook. Mr. Shumsky has informed us that Facebook does not object to the requested extension.

8. To the best of my knowledge, the court reporter is not in default with regard to any designated transcripts.

9. For the foregoing reasons, Power Ventures and Steven Vachani respectfully request that the Court grant a 14-day extension of time, up to and including August 9, 2016, to file a petition for rehearing and/or petition for rehearing en banc. Executed July 19, 2016 in San Francisco, California.

/s/ Amy Sommer Anderson

Amy Sommer Anderson

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*Counsel for Defendant-Appellant
Power Ventures, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Amy Sommer Anderson

Amy Sommer Anderson
*Counsel for Defendant-Appellant
Power Ventures, Inc.*